

<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number Q78706
Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number 10/725,053	Filed December 2, 2003
	First Named Inventor Tadahiro KEGASAWA	
	Art Unit 1791	Examiner Jeffrey Michael WOLLSCHLAGER
<p style="text-align: center;">WASHINGTON OFFICE <b>23373</b> CUSTOMER NUMBER</p>		
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal</p> <p>The review is requested for the reasons(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p><input checked="" type="checkbox"/> I am an attorney or agent of record. Registration number <u>47,121</u></p>		
 <u>Keiko K. Takagi</u> Typed or printed name		
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<u>March 25, 2009</u> Date		

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q78706

Tadahiro KEGASAWA, et al.

Appln. No.: 10/725,053

Group Art Unit: 1791

Confirmation No.: 2949

Examiner: Jeffrey Michael WOLLSCHLAGER

Filed: December 2, 2003

For: METHOD AND APPARATUS FOR FORMING RESIN FILM

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

**MAIL STOP AF - PATENTS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Office Action dated October 27, 2008, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejection at issue: Claims 1-5 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Wenz Jr. (US 4,731,004).

Claim 1 is directed to a method of forming a resin film from a first resin for a middle portion to form a resin film main body of the resin film and a second resin for edge portions to form both side edge portions in a crosswise direction of the resin film, the method comprising the steps of: joining the first resin and the second resin in such a manner as to enclose only both side edges in the crosswise direction of the first resin for the middle portion which is formed as a cross-section convex shape with the second resin for the edge portions which is formed as a cross-section concave shape and to form a boundary of the first resin and the

second resin; and extruding the joined resins through an extruding die to form the resin film. The first and second resins are joined by being fed through a feed block which includes a joining part having a specific cross-sectional shape in such a manner as to enclose only both side edges in the crosswise direction of the resin film main body which is formed as a cross-section convex shape with the resin for the edge portions which is formed as a cross-section concave shape.

The Examiner initially notes that that claim 1 merely requires the resins be fed through a feed block which includes a joining part having a specific cross sectional shape to achieve the claimed result and that if the cross-sectional shape is adequate to achieve the desired configuration of the resins (*e.g.*, concave and convex), the limitation is met. The Examiner asserts that the prior art references meet this limitation as long as they have a joining part that forms a cross-sectional shape. In addition, the Examiner notes that the amended limitation does not require a cross-sectional configuration such as that set forth in applicant's Figure 3 be employed to produce concave and convex shapes as those set forth in Figure 4.

Appellants respectfully disagree.

Claim 1 specifically recites that the joining part have a specific cross-sectional shape so that the main body is formed as a convex shape and the edge portions are formed as a convex shape. Thus, any cross-sectional shape does not meet the claim language. For example, claim 1 specifically requires a cross-sectional configuration such as that set forth in Figs. 3 and 4.

In addition, the Examiner directs Applicants' attention to Fig. 4 of Wenz Jr. and asserts the teaching of Wenz Jr. clearly suggests/implies splitting the streams up with barriers in a variety of manners to achieve a desired film. The Examiner also submits the control of the

taper and fade set forth in Wenz Jr. clearly suggests the argued limitation (col. 3, lines 21-29 and 43-51; col. 6, lines 36-53) under a very reasonable interpretation of the claim language.

Appellants respectfully disagree.

First, although Fig. 4 of Wenz Jr. shows resin A/resin B/resin A, it clearly shows commingling or intermixing of resins A and B. Thus, Fig. 4 does not support the Examiner's position that Wenz Jr. discloses resin A as "enclosing" the side edges of resin B.

Second, the recitation "boundary" means that there is no overlap or intermixing of the resins and the concave/convex structure is a result of the use of the joining part having a specific shape.

Third, Wenz Jr. discloses intermixing or overlap between the resins, which is the opposite of there being a boundary.

Fourth, the disclosure relied upon by the Examiner at column 3, lines 21-29 does not support the Examiner's position. This disclosure states that if little or no overlap or intermix is desired, the barrier is generally extended along the entire length of the entry manifold. The barrier is, for example, depicted in Figs. 3 and 4 as reference number 24. There is no teaching or suggestion in Wenz Jr. that the barrier has a structure that would allow resin A to enclose resin B or result in a concave/convex structure. That is, Wenz Jr. discloses that the shape of the barrier will influence the degree of overlap or intermix, but does not teach that the shape of the barrier affects the shape of the overlap such that it results in a concave/convex shape. Thus, the Examiner's assertion that the cross-section created by the feeding block with the barrier of Wenz Jr. is unreasonable.

Fifth, the "taper, fade, overlap and intermix" of Wenz Jr. clearly is different from the

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U.S. Application no. 10/725,053**

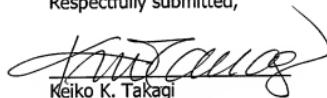
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present invention. Wenz Jr. discloses that the taper or fade out of the opaque material into the clear material. This suggests that there is overlap between the first and second resins and the disclosure is related to the control of the overlap, whereas in the claimed invention there is no overlap.

In view of the above, it is respectfully submitted that Wenz Jr. does not disclose joining the first resin and the second resin in such a manner as to enclose only both side edges in the crosswise direction of the first resin for the middle portion which is formed as a cross-section convex shape with the second resin for the edge portions which is formed as a cross-section concave shape or the joining part, as recited in claim 1.

Accordingly, it is respectfully submitted that claims 1-5 are patentable over Wenz Jr. and reconsideration of the rejections under 35 U.S.C. § 103(a) is respectfully requested.

Respectfully submitted,



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